crat to an internationalist, a Communist bedfellow, a backer of Communists and fellow travelers.

Some of the headlines give the general idea:

"Reds, New Dealers Use Ike in Plot To Hold Power."

"Red Rag First Newspaper To Ballyhoo for Ike."

"Ike's First Sponsor Acted for Powerful Secret Subversive Group."

"Eisenhower Joins Reds in Stand Against Loyalty Oath for Teachers."

"Ike Coddled Communists While President of Columbia University."

"Red-Lover Backs Ike."

Those are just samples.

But perhaps the lowest depth of all is reached with the headline:

"Moscow Thinks Ike Can Get the Votes."

That headline is followed by the following paragraph:

"This is the message that was delivered to Columbia University the other day when Warren Moscow, 'New York Times' political writer, declared that Truman could beat Taft in New York but that General Eisenhower could carry the State against either."

RIGHTEOUS WORDS

On one page an oddity appears—an indignant attack on any one who uses smear tactics. It reads:

"Taft and MacArthur supporters may expect the mud-guns to go to work on them as the convention nears. While all decent Americans deplore the raising of religious and minority issues in a campaign which should be conducted on the plane of honest debate, General Ike has too many poison-pen experts in his entourage to keep such filth out of the campaign.

"These despicable smear artists have been so successful in destroying their patriotic opposition so many times in the past that in their present role as Eisenhower supporters they can be expected to use their lying tactics again and again."

Then Mr. Kamp dips his pen and writes:

"The opponents of General Ike can meet such opposition only by telling the truth over and over again."

EXTENSION OF REMARKS REGARDING HEARINGS BY COMMITTEE ON WAYS AND MEANS

Mr. COOPER. Mr. Speaker, I ask unanimous consent to include in the Appendix of the RECORD explanations of two bills which I introduced on May 5, 1955. I am informed by the Public Printer that the cost of including this material in the RECORD will be a total of $367.

The first of these explanations relates to H. R. 6040, the Customs Simplification Act of 1955. The Committee on Ways and Means is scheduled to begin public hearings on this legislation on May 23, 1955. The cost of printing this analysis is $180.

The second explanation relates to H. R. 6059, the Philippine Trade Agreement Revision Act of 1955. The Committee on Ways and Means is scheduled to begin public hearings on this legislation on May 16, 1955. The cost of printing this explanation is $187.

I deem it desirable that these explanations be included in the CONGRESSIONAL RECORD so that the information contained in them may be available to the Members of Congress and to the public.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

[The matter referred to appears in the Appendix.]

ELECTION OF SPEAKER PRO TEMPORE

Mr. COOPER. Mr. Speaker, I offer a privileged resolution (H. Res. 240) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That Hon. JOHN W. MCCORMACK, a Representative from the State of Massachusetts, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of Hon. JOHN W. MCCORMACK as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to; and a motion to reconsider was laid on the table.

SWEARING IN OF SPEAKER PRO TEMPORE

Mr. MCCORMACK appeared at the bar of the House and took the oath of office as Speaker pro tempore.

RUMANIAN INDEPENDENCE DAY

The SPEAKER. Under the previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 10 minutes.

Mr. FEIGHAN. Mr. Speaker, today, May 10, we commemorate Rumanian Independence Day which has long been celebrated by Rumanian patriots in all parts of the world as a day of national unity.

The Rumanian nation, history tells us, was constructed by the descendants of the Roman colonists many centuries ago. Down through history Rumania has stood as one of the strong and sturdy ramparts of European freedom and the noble cause of Christianity. As a consequence of her geographical position as well as her strong loyalty to the cause of an advanced civilization Rumania has often been the scene of war and martyrdom.

Today this historic nation of some 20 millions of people suffers under the heavy yoke of Russian-Communist imperialism. While it is true that the Rumanians have known the cruel whip of Moscow in past generations, the Communist whip now in the hands of the Kremlin masters is more cruel, brutal, and inhuman than any before lashed over the backs of the Rumanian people. The well-known resistance of the Rumanians to both the Czarist and Communist Russian types of imperialism has made their task of keeping alive the spark of freedom and the national heritage far more difficult. It is a truism that the Russians hand out their recognized punishment in direct proportion to the degree of resistance to Russification offered by the population of any of the captive non-Russian nations. All freedom-loving Americans, therefore, on this, the traditional Rumanian Independence Day, pay tribute to those loyal and sturdy patriots who stand fast in their faith for the future of Rumania and all mankind.

It is proper that on this day we should recall that on March 6, 1945, an infamous executioner of Communist crimes, Andrei Vyshinsky, with the overwhelming help of the Red army, installed a Russian puppet government in Bucharest. At the very moment the master criminal, Vyshinsky, was proclaiming that "in Rumania, I am Yalta," 19 Rumanian divisions, comprising over 335,000 men, were fighting shoulder to shoulder with the allies. This first act of treachery was followed by the signing of a so-called peace treaty for Rumania in February 1947.

While we pay tribute to Rumanian Independence Day, it is timely that we turn our attention to the diplomatic conference now going on in Vienna, Austria, looking forward to the signing of a peace treaty for Austria which would grant her well-deserved independence. For 10 long years the United States has taken the initiative to bring about a peace treaty for Austria. For 10 long years the Russians have used every conceivable excuse and evasion to prevent such a treaty from coming into effect. Now it seems the Russians are attempting to use the just aspirations of the Austrians for national independence as a propaganda weapon to prevent the free Western World from finally achieving European unity for a common defense. The Kremlin claims, however, that they are sincere in their desire to give Austria its independence, that they are sincere in their claims that peaceful coexistence between the free world and the totalitarian empire of Moscow is feasible. There are those who say that the Russians might be sincere in their claims. There are those of us who have made a careful study of the record of Communist tyranny who, of necessity, demand that the Russians show good faith on a reasonable scale before any serious thought be given to their claims of peaceful coexistence and a desire to lessen world tension.

I believe, however, that the conference of diplomats now taking place in Vienna provides the Russians with an unusual opportunity to demonstrate whether or not they have any good faith. That opportunity is provided by article 21 of the Rumanian Peace Treaty of 1947 which provided the legal basis for the Soviet Union to maintain armed forces in Rumania for the purpose of maintaining lines of communication between Moscow and the Red army of occupation in Austria. It is important to note in this connection that the present lines of communication through Rumanian territory into Austria varies in distance between 845 and 910 miles, whereas the most direct route from Moscow to Vienna is only 395 miles long and moreover, the facilities already established on that direct route are much superior to those lines established through Rumania. It is clear that it would be far less expensive and in every sense more efficient for the Kremlin to maintain direct lines of communication with its diplomatic mission in Vienna after the Austrian Peace Treaty comes into force and effect. If the Russians use the direct line of com-

munication between Moscow and Vienna, it would no longer be necessary for them to keep Red troops quartered in Rumania unless the Kremlin either fears that the stooge government it set up will not be able to keep the Rumanian people under control, or the Kremlin is planning a war against the West in the immediate future. These are the only two possible reasons which could account for the Russians continuing their occupation of Rumania. The Russians can prove any good intentions they may possess by a complete withdrawal of all military and economic cadres from Rumania and Hungary at the same time they are withdrawing their troops from Austria.

All of us sincerely hope that the masters of the Kremlin have seen the folly of their ways and are now willing to join with us in all steps leading to peace and justice throughout the world, but we must not allow our high hopes for mankind to lead us up any blind alleys with the masters of the Kremlin.

It has been called to my attention that the Russian master planners have instituted a new program of mass deportations from Bessarabia, that territory taken from Rumania and now referred to as the Moldavian Soviet Socialist Republic. This program of mass deportations is, of course, being carried out under one of the new banners of Soviet patriotism created by the new czar, Khrushchev. While making appeals in the Russian-controlled newspapers and radios for workers to pioneer in vast areas of the empire and at the same time holding out what appear to be rich financial rewards for those who cooperate with the Kremlin, the mass transfer of population is, nevertheless, carried out on an involuntary basis.

This Congress was officially informed of mass deportations of this type affecting the Crimean Tatars, the Chechin-Inguish, and the Kalmuck nations by the Select Committee To Investigate Communist Aggression, 83d Congress. Testimony was taken by that committee from a Russian colonel who was directly in charge of an operation transferring the entire Chechin-Inguish nation to the Tundra regions of Siberia in the course of 24 hours. The Russian colonel made it clear that this mass deportation was carried out for the purpose of destroying a non-Russian nation because of its opposition to the plans of Moscow. In the case of Bessarabia, the masters of Moscow have become more clever and deceptive, but have in no way altered their formula of treatment for nations which oppose their desire for world domination. While Khrushchev may call for pioneers to settle and develop vast regions of the U. S. S. R., the fact remains that this is nothing but a cover for the brutal transfer of an entire population to geographical areas of the Russian Empire where it is impossible for them to eke out an existence and where the likelihood remains that they will perish in the course of several years.

On February 10, 1955, under special order which appears in the CONGRESSIONAL RECORD on page 1218, I took occasion to call public attention to the tremendous crisis which had developed in the agricultural life of the Soviet Union. At that time, I also called attention to the Khrushchev plan for moving huge segments of the non-Russian population of the empire into barren and unproductive regions of the U. S. S. R. for the purpose of eliminating resistance elements. Here is an excerpt from my address of that date:

More recently Khrushchev has been the advocate of a new population transfer within the U. S. S. R. He calls it the pioneer-resettlement program. Some Russian propagandists have even likened this program to the efforts of the American pioneers. The essence of his plan is to move millions of people from their native lands to the interior reaches of the U. S. S. R.—there to reclaim millions of acres of land for food production. Naturally these people are not going to go their voluntarily because they are not fooled by the propaganda of Khrushchev. This has resulted in another wave of forced deportations from the non-Russian nations of the Communist empire. All those who resist the decaying process of communism are rounded up as volunteers, for the new pioneer movement. This is the latest device created by Khrushchev to break the spirit of resistance within the empire and at the same time to hide the facts concerning it from the civilized world. How many millions of people will be purged by this scheme is anyone's guess. But of one thing we may be sure, this silent but thorough purge would not be underway if there were not great internal troubles confronting the Communists.

In my opinion the good people of Bessarabia are now being subjected to this brutal treatment by Khrushchev.

Against this background, I have here before me a translation of an article which appeared in Sovietskaya Moldavia, a Moscow publication in Bessarabia which appeared a few days ago. I would like to read it because it bears upon the clever scheme of Khrushchev to camouflage the extermination of whole nations with clever propaganda terms which even the Nazis lacked the evil cunning to create:

The General Directorate for the transfer of residence and planned recruitment of workers, of the Council of Ministers of the S. S. Republic of Moldavia, organizers of the planed transfer (of workers) from regions of the S. S. Republic of Moldavia to the kolkhozes in the regions of Astrakhan and Rostov (R. S. F. S. R.) and of the region of Pavlodar of the R. S. S. of Kazakhstan.

Citizens who will enlist voluntarily for this transfer will enjoy free traveling facilities to the locality of residence, including all personal belongings up to 2 tons for each family

The State will grant, at the same time, a bonus of 500 to 800 rubles to the heads of family and 150 to 300 rubles to other members of the family. On their new residences, the settlers will enjoy exemption of agricultural taxation as well as of state deliveries of farm products for a period of 2 years. They will receive foodstuffs as additional relief.

The settlers are offered long-term credits for the construction of dwellings (with a 10-year amortization) and for the purchase of livestock (with a 3-year amortization) as well as other facilities.

The transfer is in force in the districts of Ataky, Belzy, Beadery, Bravitchy, Britchansk, Grodiansk Drokiew, Iedinetz, Zgouritz, Kalavach, Korpensk, Kichenev, Notovak, Kotionpansk, Nisporiensk, Oknitza, Resink, Soroky, Strachensk, Sousiensk, Tyrnow.

All informations can be obtained from the executive committees of the districts and from the delegates in charge of transfers and planned recruiting of workers.

On this, the traditional anniversary of Rumanian independence, I call upon President Eisenhower to issue an official protest against the new program of mass deportations which the Kremlin has announced for the good and patriotic people of Bessarabia. The conscience of mankind demands that we take official notice of and raise our voices in protest against what the Russians are about to do to the people of Bessarabia.

Let us all hope and pray that the day is not far distant when the Rumanian people will be able to celebrate their historic day of independence, free of Russian domination and once again a sovereign nation within the family of nations.

HOOVER COMMISSION REPORT ON LEGAL SERVICES AND PROCEDURES

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes, to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, on March 28, 1955, the Commission on Organization of the Executive Branch of the Government submitted its report on legal services and procedure to the Congress. Three days later its chairman, Mr. Hoover, issued the report of the task force which was concerned with this problem.

As a Member of Congress and as a lawyer, I believe that the issues involved are of the utmost gravity and should be carefully considered by the Congress, the legal profession, and the citizenry at large. Therefore, I am introducing the two bills which were developed by the task force to implement the suggestions made in its report. I have included an amendment of my own in the bill to improve legal procedures in the executive branch of the Government through the enactment of an administrative code which I believe merits serious consideration. This amendment provides that the sections dealing with hearings and judicial review of administrative decisions shall apply to certain proceedings which may result in the dismissal of officers or employees of the Federal Government.

The New York Herald Tribune said editorially on April 12, 1955, that the Hoover Commission report on legal services and procedure faces up to one of the knottiest problems created by the vast expansion of Government in recent years. This is administrative law—a body of regulations which have virtually the force of law which are drawn up and enforced by executive agencies. The problem with which the Commission deals involves the 50 agencies of the Federal executive department which have come into being as the powers of the Government to regulate our economic and political life have grown, such as the Federal Trade Commission, the National

Labor Relations Board, the Civil Aeronautics Board, and the Interstate Commerce Commission.

The New York Times in an editorial on April 14, 1955, said:

For the most part these Boards and Commissions not only investigate alleged violations of the laws with which they are concerned—and of their own rules and regulations—but they have the power to pass judgment on those they believe to be transgressors. As the Hoover Commission points out, they often act "as judge, jury, defense and prosecuting attorney" in the same case—as if a police department had the power to try and to sentence those they arrest.

The New York Times added that—

The proposals of the Hoover Commission may be faulty in details—and the details are multitudinous—but the administrative court idea raises an issue of deep import to the American people, and at a time when the executive arm of the Government increasingly elbows its way into our private and business affairs. It deserves the widest possible discussion—and prompt action, if no serious objections can be found.

The Hoover Commission itself is divided on some of the recommendations of the task force which considered this difficult subject. Half of the members, including Mr. Hoover, did not vote for a series of proposed amendments to the Administrative Procedure Act, but believed they should be included in the report because of the importance of the issues and the eminence of the task force. However, the major recommendation of the task force in this field, the creation of a new administrative court, won the support of all but 2 of the 12 members of the Commission. I should like to call to the attention of my colleagues the separate statements by the members of the Commission which appear in the report submitted to the Congress. These are included here. The Commission had the services of a task force, consultants, and assistants of the most distinguished order. The consultants included Robert H. Jackson, former Associate Justice of the United States Supreme Court, and Arthur T. Vanderbilt, chief justice of the Supreme Court of New Jersey.

Short statements on each of the task force members, its consultants, and assistants have been included here, as well as some of the newspaper articles dealing with the report which appeared in various newspapers throughout the Nation.

Dr. Lillian Wald Kay, assistant director of research, Citizens Committee for the Hoover Report, recently made available to me a roundup of editorial opinion on the legal services and procedure report. This also is included here.

IV. SEPARATE STATEMENTS BY COMMISSIONERS

SEPARATE STATEMENT OF CHAIRMAN HOOVER AND COMMISSIONERS BROWNELL, FLEMMING, HOLLISTER, KENNEDY, AND MITCHELL [1]

This report on legal services and procedure contains 52 recommendations. We fully support recommendations Nos. 1 to 28, inclusive, and Nos. 49 to 52, inclusive.

Recommendations Nos. 29 to 48, inclusive, deal mostly with proposed amendments to the Administrative Procedure Act. We did not vote for these recommendations because of their possible consequences and possible increase in the expenditures of the Government.

However, we felt that in view of the searching investigation and the eminence at the bar of the members of the task force who proposed the changes upon which recommendations Nos. 29 to 48, inclusive, are largely based, these should be furnished to the Congress but without Commission action upon them.

HERBERT J. BROWNELL, Jr.
ARTHUR S. FLEMMING.
SOLOMON C. HOLLISTER.
HERBERT HOOVER.
JOSEPH P. KENNEDY.
SIDNEY A. MITCHELL.

SEPARATE STATEMENT OF COMMISSIONER BROWN

The nature of some of the recommendations in this report on legal services and procedure makes it necessary for me to reserve the right to disagree with them in my capacity as a Member of the 84th Congress.

CLARENCE J. BROWN,
Commissioner.

SEPARATE STATEMENT OF COMMISSIONER FARLEY

With some reservations, I voted in favor of adopting the recommendations in chapter III on administrative procedure, so that by Commission action these recommendations would be transmitted to the Congress for its consideration. I am aware that these recommendations are extremely technical and it is difficult for a layman to conceive of the practical problems which might be created by them. For this reason they will require careful analysis and study by the Congress.

Among others, I do not agree with recommendation No. 36 because it makes it possible for any one wishing to interfere with or delay proper administrative investigation to go to the courts at its inception and hold off the investigation by claiming that the agency is exceeding its constitutional or statutory power. With subsequent appeals, this would make it possible for those who would benefit from such action to forestall for a long period agency investigations and the performance of the regulatory duties imposed upon the agencies by the Congress.

I do not agree with recommendation No. 37 as it raises the serious problem of whether agency heads can consult with their expert and technical advisers in deciding cases if the latter have had any part in the investigation or prosecution of the cases. This may require establishing costly duplicate staffs whose work would be confined solely to furnishing the agency members with technical guidance for the purpose of making decisions.

I do not agree with recommendation No. 48. This is much broader than recommendation No. 36, since it applies to all agency proceedings at any stage and is not limited only to investigations.

With respect to recommendation No. 51, creating an Administrative Court, I agree that the Tax Court could properly be transferred from the executive branch to the judicial branch. However, with respect to the suggested trade and labor sections of the Administrative Court, I have reservation as to the advisability of withdrawing certain regulatory functions from the agencies concerned, and transferring them to such a court.

JAMES A. FARLEY,
Commissioner.

DISSENT AND SEPARATE STATEMENT OF COMMISSIONER CHET HOLIFIELD

My objections to the Commission's report on legal services and procedure are noted below under specific subject headings. Generally, I believe the report is too legalistic in its approach to problems of Government organization and management. The recommendations would vest in the Office of Attorney General duties and prerogatives which I consider unnecessary and unwise, and would recast the administrative process in the image of the courts.

It is difficult for one who is not a lawyer to evaluate the impact of each and every recommendation in the report regarding changes in administrative procedure. Considered individually, some have merit. Taken together, they may have consequences that are drastic and costly and impractical from the standpoint of efficient Government administration.

In agreeing that chapter III (legal procedure) should be included in the report submitted to the Congress, I am concerned with those recommendations which would insure fair treatment of citizens dealing with their Government and protection of their legal rights. I do not believe that these objectives require a basic alteration of the administrative process.

A further careful exploration of this subject by the Congress is indicated.

Authority for legal staffs

It might be well for the Congress to review the employment of legal staffs by executive agencies to determine whether there is overstaffing or improper classification of legal personnel. However, the argument in support of recommendation No. 1 is that some agencies lack statutory authority to employ legal staffs seems misplaced.

Either there is a presumption of validity based upon the general authority of an agency to employ personnel and upon recurring appropriations for legal as well as other staffs, or else the salaries should have been disallowed by the Comptroller General.

Laws dating back to the creation of the Department of Justice in 1870 bar other departments or agencies from hiring and compensating lawyers except where their employment is specifically authorized by law, and even then the Attorney General must certify that the services could not be performed by his Department (secs. 189, 357, 361, 363, 365, and 367 of the Revised Statutes, codified as 5 U. S. C. 49, 306, 307, 309, 312, 314, and 316, respectively).

From time to time the Attorney General and the Comptroller General have applied these statutes and decided that Government agencies could not employ or pay lawyers (18 Op. A. G. 135; 19 Op. A. G. 328; 4 Comp. Gen. 386; 5 Comp. Gen. 382, 517; 21 Ct. of Claims 483).

Indeed, by virtue of this statutory authority, the Attorney General once extended his sway across the ocean to prevent the Navy from hiring a lawyer to maintain a damage suit in a foreign court against a British steamer which collided with Capt. Alfred T. Mahan's vessel in the harbor of Antwerp (21 Op. A. G. 195).

As late as 1952 the Comptroller General reviewed and applied these statutes to prevent employment of counsel by the Department of Navy in certain attempted litigation (32 Comp. Gen. 118).

What would be gained by congressional amendment of various agency statutes merely to include "attorney" or "counsel" in the sections of those statutes which authorize employment of personnel? More to the point are the size and functions of legal staffs and these are subject to review and limitation by the Congress in yearly appropriation acts.

The report implies, but does not specifically state as a recommendation, that no agency requiring less than 10 legal positions be authorized to hire its own lawyers but that its legal work be performed by the Department of Justice. The contention is that lawyers in small agencies lack the desired professional caliber and independence and

[1] Commissioners Flemming and Kennedy were absent from the Commission meeting at which recommendations Nos. 29 to 48 were approved, and thus did not vote.

that economies could be effected by eliminating their positions. I cannot agree.

If the Department of Justice were to undertake the performance of these legal services for other agencies, it would have to add various small legal units, highly specialized in agency programs and required to give them full time and attention.

Either these lawyers would be constantly running back and forth between the Department of Justice and the agency that needs them, or they would be detailed on a full-time basis—the very situation the report seeks to avoid.

The difficulties would be compounded by the fact that legal staffs in some departments or agencies are located in field offices as well as in Washington.

Department of Justice lawyers performing legal services for other departments or agencies would be involved in the administration of programs for which their own department head is not responsible. Thus problems of dual supervision of these attorneys would arise.

Of course a statutory ban on employment of legal staffs would not prevent agencies from hiring examiners or specialists with legal training but not classified as attorneys. In such cases there would be duplicate legal staffs in the Department of Justice and in the agencies, where single staffs prevailed before.

Coordination of legal services

It seems gratuitous to say (recommendation No. 2) that the Department of Justice should be recognized as the chief law office of the Government and that it should conduct all litigation before the courts except as Congress authorizes. This is substantially the situation today.

Traditionally and by statute the Attorney General is the chief legal adviser to the President and may be called upon to give advisory opinions to the heads of departments.

The courts have long recognized this statutory provision of the Attorney General and his authority and duty to institute and conduct litigation (*United States* v. *San Jacinto Tin Co.* (125 U. S. 273, 279); *Walling* v. *Crane* (64 F. Supp. 88, 90); *U. S.* v. *California* (332 U. S. 19, 27)).

It is true that in certain cases Congress has empowered departments or agencies to conduct their own litigation. The tax force has not made a comparative analysis of the results of separate agency litigation. It is difficult to say, therefore, whether Congress should be asked to remove the exceptions by statutory amendments.

There may be a few instances of substantial duplication of legal staffs; for example, lawyers of the Department of Justice and of the Treasury Department both are engaged in tax litigation. However, the special status and jurisdiction of the tax courts are here involved and should be considered as a separate problem.

I would suppose that in most litigation, whether carried on by the Department of Justice or by agencies individually, there is a close degree of cooperation. Because of the specialized nature of agency litigation, the Department of Justice, in most cases would depend upon, or be associated with, agency legal personnel in the preparation, if not the presentation, of suits.

Aside from litigation, the emphasis in the report on "positive coordination through the Department of Justice" seems to contemplate for the Attorney General more than an advisory role. If so, the Attorney General would be placed in the position of interfering with specific agency programs or with the performance of legal personnel responsible to their agency heads. Such interference has been considered improper by holders of the Attorney General's office (17 Op. A. G. 332; 38 Op. A. G. 182).

Recommendations of this sort assume that legal services are a homogeneous activity which can be segregated from department or agency functions and supervised or directed by an outside legal authority (the Attorney General). Thus the report states: "The lack of effective coordination of legal staffs has created a fragmentation of legal services within the executive branch."

Legal services are "fragmented" because numerous agencies, bureaus, or divisions require legal services in the administration of manifold governmental programs. To assume that the Attorney General could give direct or immediate attention to the legal features of these programs is wholly unrealistic. In years past, when Government was simple and small, this concept may have had some validity, but today it is hardly applicable.

Part of the trouble with the argument, it seems to me, lies in the assumption that the business of Government lawyers is mainly with the courts. Litigation and adversary proceedings are a relatively minor part of the legal work of the Government. Agency lawyers devote a large portion of their time to legislative work and to the rules and regulations that flow from legislation. Frequently they must participate in the presentation of their agency programs to the Congress and in assisting congressional committees in developing technical legislative bills concerning their particular agencies.

It is neither fitting for the Attorney General to attempt to supervise such work nor possible for his office to acquire the fund of knowledge concerning legislative detail which is held by legal staffs of Government departments or agencies.

Resolution of legal conflicts

Recommendation No. 3 proposes an arrangement whereby the Attorney General would attempt to resolve conflicting department or agency legal opinions or interpretations of statutes. To the extent that these are matters of law arising in the administration of department programs, the Attorney General already has authority of great force and effect. Vesting additional authority in the Attorney General by statute would create a number of complications:

(1) The Attorney General might be placed in the untenable positions of deciding conflicts between his Department and other departments or agencies.

(2) He might be faced with the problem of overriding the decision of an independent agency not completely subject to executive direction or of a Government corporation in which the Congress has vested the authority of suing or being sued in any court of competent jurisdiction.

(3) He might come in conflict with the Comptroller General who has statutory authority to make certain decisions which are binding upon the departments and agencies (see 33 Op. A. G. 265; 38 Op. A. G. 181).

(4) Where conflicting statutes authorize different agency programs, he might acquire the role of deciding, in effect, which of conflicting national policies should prevail. Thus he would become the arbiter of congressional intent in certain situations rather than the Congress itself or the courts.

(5) Generally speaking, he might be confronted with matters which require judicial determination, an area in which the Attorney General traditionally has refrained from giving advice.

(6) In most cases he could not prevent a court test of litigation because private parties would be involved, another area in which the Attorney General traditionally has refrained from giving advice.

(7) In matters which finally reached the courts despite the Attorney General's objections, he would be called upon to prosecute or defend the case on which he had already rendered an opinion.

It is true that initiation of the recommended procedure for resolving conflicts is voluntary; yet if resorted to, the agencies would be bound by the Attorney General's decision. It seems to me that this arrangement would make agencies less inclined than they are now to seek the Attorney General's legal assistance in controversial matters.

Attorney General Black's advice back in 1857 (9 Op. A. G. 36) still is a good maxim: "The duty of the Attorney General is to advise, not to decide."

Integration of legal staffs

The proposal in recommendation No. 4 that each department or agency legal staff be "integrated" under an Assistant Secretary for Legal Affairs or a General Counsel raises the question of the relationship between the general counsel and the department or agency head.

Although the report disavows any intent to interfere with existing line and staff organization of departments or agencies, it suggests that Government attorneys have responsibilities which transcend those of department or agency heads, that these attorneys should have a certain "degree of independence from administrative control," and should act as a restraining influence on administrators.

From the standpoint of efficient agency performance, emphasis on the authority and importance of the legal staff and general counsel is not an unmixed blessing. Administrative personnel frequently complain that their programs are slowed down or involved in needless red tape because the general counsel insists on routing all papers through his office and in writing rules or orders in complicated legal jargon.

Veterans' Administration guardianship service

I do not agree with the contention that the need for the Veterans' Administration guardianship service is now obviated.

The fact that a State has adopted the Uniform Veterans Guardianship Act does not mean that the Veterans' Administration Administrator no longer has to perform certain legal services to insure the proper use and disposition of Government funds. State laws specifically recognize the continuing responsibilities of the Administrator.

The possibility of reducing the number of Veterans' Administration legal personnel engaged in performing these services is, of course, a different matter.

Separation of legal management and litigation functions

Separation of legal management and litigation functions of the Department of Justice (recommendation No. 6) would seem to impose an artificial division of labor in functional units of the department or else would result in an arbitrary allocation of units to one or another area. Consequently the creation of two new offices of Assistant Deputy Attorney General to coordinate in each area, proposed in the report, would appear anomalous.

As outlined by the task force, the Internal Security Division, for example, would be under the cognizance of the new Assistant Deputy Attorney General for Litigation. This division administers laws relating to the internal security of the United States, including such functions as the registration of foreign agents and subversive organizations. The litigation features of this activity appear to be relatively minor.

On the other hand the task force proposed that the Office of Alien Property be under the cognizance of the new Assistant Attorney General for Legal Administration. As is well known, the litigation features of the Alien Property Office have assumed major proportions.

The Immigration and Naturalization Service, which would be under cognizance of the

same Deputy Attorney General, also has important litigation aspects.

Whether or not the Attorney General requires the services of two additional deputies, it seems unnecessary to recommend a division of labor that might be unworkable.

Legal career service

Although I favor a career system for Government legal personnel, I see no good reason to vest personnel recruitment and administration within the Department of Justice (recommendation No. 11). This would make the Department of Justice the only agency besides the Civil Service Commission responsible for personnel administration outside its own establishment.

Many of the legal positions required in the Government involve detailed, often routinized, examination of documents, claims, applications, etc., and other duties which are far removed from the office of general and associated counsel. To assume responsibility for filling such legal positions would make the Department of Justice in some respects a civil-service agency, a function remote from its major purpose.

If, on the other hand, the Department of Justice concerned itself only with "attorneys," there would be a division of personnel functions in the legal field between the Department and the Civil Service Commission.

According to recommendations Nos. 11 and 12, the legal career service is to be administered by a proposed new Office of Legal Services and Procedure established in the Department of Justice. In the contemplation of the task force this new office was to be established "for the dual purposes of administering the legal career service and assisting agencies in the improvement of administrative procedures."

The proposed office is a watered-down version of the recommendation made by the Attorney General's Committee on Administrative Procedure in 1941 that there be established by statute an independent Office of Administrative Procedure (S. Doc 8, 77th Cong., 1st sess., p. 123).

The establishment of such an office within the Department of Justice to assist and advise agencies in standardizing certain legal forms and procedures could be useful. A legal career service should be established and administered by the Civil Service Commission, possibly with the help of a reconstituted Board of Legal Examiners.

It seems unnecessary to go beyond the making of a strong recommendation for a legal career service to spell out (recommendations Nos. 13, 14, 15, 16) the details of probationary periods, veterans' preference, performance ratings, etc. These should be handled as part of the general career service with minor modifications where necessary for legal personnel.

Representation before agencies

Considerable attention is given in the report to canons of conduct and qualifications for persons appearing before Federal agencies. These matters seem more of interest to the legal profession than to a Commission concerned with Government organization.

There seems to be great concern, for example, that nonlawyers may appear before Government agencies on matters which are considered to be within the lawyers' domain. It might be well to point out, in turn, that many lawyers in Washington appear before agencies on matters which do not require the services of a lawyer.

While better standards of conduct always are to be desired, it is not the function of our Commission to bolster a segment of the legal profession engaged in Washington agency representation to the detriment of other persons engaged in the myriad activities involving contact with the Federal Government.

This should not be taken as a reflection on the motives of the eminent lawyers and judges who comprised the task force and provided the basic studies for the Commission's report. Their outlook necessarily is that of the legal profession. Our viewpoint in the Commission must be a broader one.

Administrative procedure

In chapter III the Commission report proposes fundamental revisions of administrative procedure, including the transfer of certain quasi-judicial functions to a specially constituted administrative court.

Some of the recommendations are too generalized to offer useful guides to legislative or administrative action. Others affect the organization of the judicial branch and therefore are beyond the Commission's purview.

Certain recommendations, standing alone, have merit. These are aimed at preventing abuses in the administrative process and in affording individuals a greater measure of protection against arbitrary Government action. There are too many instances of such abuse to allow an attitude of complacency and indifference to the possibilities of improvement in administrative procedure.

At the same time we must not lose sight of the fact that the various regulatory agencies and commissions were created to carry out certain broad public policies established by the Congress. In so doing, they perform functions which are both legislative and judicial by nature. The very existence of these administrative bodies means that neither the Congress nor the courts could undertake by themselves to make all the rules and decisions implicit in Government regulatory action in modern industrial society.

The drift of the Commission recommendations is to "judicialize" procedures in the administrative agencies as much as possible and to go even further by breaking off some judicial-type functions and placing them in an administrative court. To the extent that the proposed changes in administrative procedure seek a basic shift of administrative power to the courts or offer loopholes for thwarting agency action in carrying out congressional policies, I must record my objections.

Furthermore, I am opposed to the establishment of an Administrative Court which would include Trade and Labor Sections as well as a Tax Section. There may be good grounds for making the Tax Court a part of the judiciary, although this would involve additional organizational problems relative to the Court of Claims and the district courts. However, I see no point in constituting the Tax Court as a Section of the Administrative Court. The functions of the Tax Court are sufficiently specialized to warrant separate treatment.

The proposed transfer to an administrative court of certain quasi-judicial functions affecting trade and labor matters raises a host of organizational problems involving both the judicial and executive branches of the Government.

What functions would be transferred and what would remain with the administrative agencies? How would the statutory responsibilities of the agency heads be affected? Can some adjudicatory functions be conveniently separated from others and from a given complex of regulatory functions without jeopardizing the execution of congressional policies? What internal agency reorganizations would be required?

What status and functions would the administrative court have relative to the established district and circuit courts? This is a particularly important question since it is not known whether the Commission intends the administrative court to have original or appellate jurisdiction. Is it not true that a large number of judges would be required to pass upon the complex subject matters to come before the proposed new court? Would they enjoy lifetime appointments as do other Federal judges despite their part in administering public policies which must inevitably reflect changing attitudes of the electorate?

These and many other vexing problems are not resolved in the Commission's recommendation.

CHET HOLIFIELD
Commissioner.

APPENDIX A

This Commission has had the services of a task force, consultants, and assistants of the most distinguished order. They were:

CHAIRMAN

James Marsh Douglas, St. Louis, Mo.: Lawyer; formerly chief justice Supreme Court of Missouri; chairman, Judicial Conference of Missouri; chairman, Appellate Judicial Commission of Missouri; lecturer, medical jurisprudence, Washington University Medical School; chairman of the board of Washington University.

MEMBERS

Herbert Watson Clark, San Francisco, Calif.: Lawyer; formerly special assistant to United States Attorney General; chairman, Committee of Bar Examiners, State of California; member, American Law Institute.

Cody Fowler, Tampa, Fla.: Lawyer; formerly president, American Bar Association; member American Law Institute; American Judicature Society.

Albert J. Harno, Urbana, Ill.: Lawyer; formerly president, Association American Law Schools; president, National Conference Commissioners on Uniform State Laws; now dean, College of Law, University of Illinois; chairman, board of directors, American Judicature Society.

James McCauley Landis, New York, N. Y.: Lawyer; formerly with United States Department of Labor; member, Federal Trade Commission; Chairman, Securities and Exchange Commission; dean, Harvard Law School; Chairman, Civil Aeronautics Board; member, Commission on Uniform State Laws, Massachusetts; consultant to Advisory Commission, Council of National Defense, and to War Department.

Carl McFarland, Missoula, Mont.: Lawyer; formerly assistant to Attorney General of the United States; member of various commissions and committees concerned with legal procedures; now president, Montana State University.

Ross L. Malone, Jr., Roswell, N. Mex.: Lawyer; formerly city attorney, Roswell, N. Mex.; Deputy Attorney General of United States; trustee, Southwestern Legal Foundation.

David F. Maxwell, Philadelphia, Pa.: Lawyer; member, Pennsylvania and American Bar Associations (chairman, House of delegates, 1952–53).

Harold R. Medina, New York, N. Y.: Judge; judge, United States District Court, Southern District of New York; now judge of the Court of Appeals for Second Circuit.

David W. Peck, New York, N. Y.: Judge; presiding justice, Appellate Division, First Department, Supreme Court of New York.

Reginal Heber Smith, Boston, Mass.: Lawyer; member and vice president, National Legal Aid Association; assistant editor of the Journal of the American Bar Association, and director, survey of legal profession in America for American Bar Association.

E. Blythe Stason, Ann Arbor, Mich.: Lawyer; formerly Michigan Commissioner on National Conference on Uniform State Laws; member, Michigan Constitution Revision Study Committee; now dean, Michigan University Law School.

Elbert Parr Tuttle, Atlanta, Ga.: Judge; formerly General Counsel for the Treasury Department; now judge of the United States Court of Appeals, Fifth Circuit; trustee, Cornell University and Atlanta University.

Edward Ledwidge Wright, Little Rock, Ark.: Lawyer; served on National Conference of Commissioners on Uniform State Laws;

American Law Institute; American Judicature Society; trustee, Southwestern Legal Foundation; International Association of Insurance Counsel.

CONSULTANTS

Robert H. Jackson, Washington, D. C.: Judge; after 20 years of private practice, appointed General Counsel, Bureau of Internal Revenue; became successively Assistant Attorney General, Solicitor General, and Attorney General of the United States; appointed Associate Justice of United States Supreme Court in 1941; named chief of counsel for the United States to conduct prosecution of trials of European Axis war criminals (deceased, October 9, 1954).

George Roberts, New York, N. Y.: Lawyer; formerly special counsel to Reconstruction Finance Corporation, and member of Secretary of War's Advisory Board.

Arthur T. Vanderbilt, Newark, N. J.: Judge; formerly dean of New York University Law School; judge, circuit court, New Jersey; now chief justice of the Supreme Court of New Jersey.

STAFF DIRECTOR

Whitney R. Harris, Chicago, Ill.: Lawyer; formerly professor of administrative law, Southern Methodist University; chairman, Texas State Bar Administrative Law Committee; member of council, section of administrative law, American Bar Association; Chief, Legal Advice Branch, Military Government for Germany; member, California, Texas, and American Bar Associations; now executive director of American Bar Association.

RESEARCH DIRECTOR

Courts Oulahan, Cleveland, Ohio: Lawyer; member, Federal Communications Commission Bar, American, Federal, and D. C. Bar Associations.

[From the New York Herald Tribune of April 12, 1955]

GOVERNMENT AND THE LAW

The Hoover Commission report on legal services and procedure faces up to one of the knottiest problems created by the vast expansion of Government in recent years. This is administrative law—a body of regulations which have virtually the force of law and which are drawn up and enforced by executive agencies.

The Hoover Commission itself is divided on some of the recommendations of the task force which considered this difficult subject. Half of the members, including Mr. Hoover, the Chairman, did not vote for a series of proposed amendments to the Administrative Procedure Act, but believed they should be included in the report because of the importance of the issues and the eminence of the task force. However, the major recommendation of the task force in this field, the creation of a new administrative court, won the support of all but 2 of the 12 members of the commission.

The general principle behind the task-force proposals is the fundamental one of separation of powers. The agencies often draft regulations (a legislative function), prosecute offenders (an executive task), as well as determine guilt and impose penalties, which is a judicial process. The commission suggests that wherever practicable the judicial operations be separated from the other phases of administrative work, by turning some of them over to the regular courts and by establishing an administrative court which will deal with tax matters, questions of trade regulation, and the adjudication of cases involving unfair labor practices.

At present the subjects which would come within the jurisdiction of the administrative court are divided among a number of agencies, including the Tax Court and the National Labor Relations Board. To define the powers of the new court would require major changes in many laws; it may be challenged on the ground that judicial functions now are exercised by specialists, familiar with their respective complex fields, and that a court of broader scope might slow down and hinder the regulatory and administrative labors of the various agencies. But the recommendation for the court includes specialized sections, and the agencies are already slow in reaching quasi-judicial decisions.

The project of an administrative court is worth the most careful consideration of Congress. It may not solve all of the problems posed by the growth of administrative law. It does promise to keep that law in closer touch with the fundamental principles of the Constitution and of American jurisprudence.

[From the New York Times of April 14, 1955]

ADMINISTRATIVE COURTS

The report of the Hoover Commission on the legal and judicial activities of Federal administrative agencies raises an issue that goes to the roots of our Constitution and form of government. It also offers a challenging program by which the issue may be met. The report is based on a searching investigation by a distinguished task force, learned in the law, under the chairmanship of James Marsh Douglas, formerly chief justices of the Missouri Supreme Court.

The problem with which the Commission deals involves the 50 agencies of the Federal executive department which have come into being as the powers of the Government to regulate our economic and political life have grown, such as the Federal Trade Commission, the Interstate Commerce Commission, the Civil Aeronautics Board, and the National Labor Relations Board.

For the most part these Boards and Commissions not only investigate alleged violations of the laws with which they are concerned—and of their own rules and regulations—but they have power to pass judgment on those they believe to be transgressors. As the Hoover Commission points out, they often act "as judge, jury, defense, and prosecuting attorney" in the same case—as if a police department had the power to try and to sentence those they arrest.

A good deal of flexibility was probably justified in the early life of these agencies as rules and their interpretations gradually emerged from the everyday business of carrying out broad congressional directives. But it has become increasingly clear that those who decide such cases are subject to understandable pressure to justify the orders and rulings of their own employees—a pressure which runs counter to the public interest. In fact, the Commission is convinced that the public now needs greater protection against abuses of power and arbitrary bureaucratic action. Moreover, the increasing exercise of judicial powers by executive agencies violates the principle of the separation of powers on which this Government is based.

By far the most important proposal in the Commission's exhaustive and detailed report—endorsed by 9 out of its 12 members including Attorney General Brownell—urges the establishment by Congress of 3 new courts to hear and decide cases arising from orders of the various administrative agencies in the fields respectively of taxation, trade, and labor relations. The essence of this proposal is the complete independence of these courts from supervision or control by the Executive branch of the Government. No longer would those who pass judgment in such cases be beholden to the agencies involved, any more than is the judge who sits in any existing Federal court.

It seems strange, however, that the Commission failed to propose a court to take over the judicial functions now being performed by the Immigration Service. When aliens are held for alleged violations of the immigration laws hearings are conducted by employees of the Service and appeals from their decision go before a board appointed by, and responsible to the Attorney General, in whose department the Service operates.

The proposals of the Hoover Commission may be faulty in details—and the details are multitudinous—but the administrative court idea raises an issue of deep import to the American people and at a time when the Executive arm of the Government increasingly elbows its way into our private and business affairs. It deserves the widest possible discussion—and prompt action, if no serious objections can be found.

[From the Washington Daily News of April 11, 1955]

IN THE LEGAL MAZE

Many of the new Hoover Commission recommendations for improving the Government's scattered and often confusing legal services are logical and clear.

The legal—and legalistic—ways of doing things here in Washington are frequently out of hand and overlapping, and need a close and careful look by Congress. A chart of Government legal procedure looks more like Rube Goldberg than Blackstone.

The biggest change recommended is an administrative court to handle tax matters, trade regulation cases, and unfair labor practices. These now are handled by boards, commissions, and executive departments.

In a similar field, the report suggests replacing hearing examiners with hearing commissioners completely independent from the agencies whose cases they consider.

And the Commission urges an over-all independent Federal legal career service, intelligently recruited, well trained and supervised, and adequately paid.

The report contains several fuzzy recommendations.

One (No. 47), limiting agency publicity, could be interpreted as a muzzle on Federal agencies as well as a real barrier to the people's right to know.

At its best, it might safeguard a citizen from governmental name-calling, but it also could cover important cases with impenetrable secrecy.

Another possible sleeper is the recommendation (No. 29) that Federal agencies give up jurisdiction to State agencies "which meet reasonable standards of regulation."

In most cases, there never would have been any Federal regulation in the first place unless State bodies had been inadequate.

The final decision, of course, is up to Congress. Excellent as most Hoover Commission reports have been, there is no reason to swallow them whole.

[From the Wall Street Journal of April 12, 1955]

THE BADGE, THE HAT, AND THE ROBE

When a detective goes on a case and the evidence he turns up convinces him that the man he is investigating is guilty, the detective will be certain to let the prosecutor know what he thinks.

But the prosecutor, if he is a fair one, will not take just the detective's opinion. He will want to look at all the evidence. If he thinks there are grounds to believe that the accused is guilty, the prosecutor may be expected to present vigorously the evidence against the man and it is likely that the detective will appear as a witness.

But the judge—or the jury—must also be convinced of the man's guilt or he will go free.

All of these steps are safeguards in the law or the Constitution to protect a suspected person from arbitrary arrest and preconceived prejudgment. It is not hard to imagine how injustice could flourish if the

detective were firmly convinced of the man's guilt and the detective, the prosecutor, and the judge were all the very same man.

Yet that situation exists right now in many of the Government agencies empowered to regulate business and commerce. The Federal Trade Commission, for instance, puts on a detective's badge to investigate charges against a company of unfair competition; then it puts on the prosecutor's hat and issues a complaint and holds hearings; finally it dons the judge's robes and if the five-man commission decides the company is guilty it can order it to cease those practices.

The company, of course, has the right of appeal to a Federal court of appeals, but in many cases it is a long and costly process and burdensome to the accused, to the agency, and to the courts.

The Hoover Commission now has proposed that Congress remove from some 50 Government agencies the right to judgment on evidence the agencies themselves have gathered. The Commission's advice is for Congress to create a Federal Administrative Court to handle the judicial powers the agencies now possess. "There can be no effective protection of private rights unless there is a complete separation of the prosecuting functions from the functions of decision."

It would be difficult to dispute that view. But whether the creation of more specialized courts is the best answer will certainly be questioned in Congress; presumably either of the litigants may appeal the decision of the proposed court to higher ones and it is not at all certain that the crowded dockets will be relieved of tax, labor, and trade disputes as the Hoover Commission suggests the result of its proposal will be.

There may be other and better ways than the Hoover Commission proposes to reduce the powers of bureaucracies. Congress, for all we know, may some day decide that some of these agencies should never have been created and that none of them should have been granted such broad powers.

But what is certain is that there is great danger where any man or any agency has power to wear the badge, the hat, and the robe.

CITIZENS COMMITTEE
FOR THE HOOVER REPORT,
Washington, D. C., May 6, 1955.

I am sending you our 2-week roundup of editorial opinion on the legal services and procedure report. Most of the favorable opinion (6 papers with a circulation of 3,506,174) was with respect to the administrative court. The six papers were:

PAPER, DATE, AND CIRCULATION

Dallas (Tex.) News, April 12, 183,583.
Detroit (Mich.) Free Press, April 12, 433,624.
Newark (N. J.) Star Ledger, April 12, 192,699.
New York Daily News, April 17, 2,251,430.
New York Herald Tribune, April 12, 328,892.
Rochester (N. Y.) Times Union, April 12, 115,946.

As for the informational and reserved editorials, the New York Times was in that category only because they felt an immigration section should be included. The Chicago, Dallas, and New York Wall Street Journals (total circulation 213,701) recognized the need for separating the judicial function from executive agencies. However, they are not convinced that the administrative court is the best solution.

"There may be other and better ways than the Hoover Commission proposes to reduce the powers of bureaucracies. Congress, for all we know, may some day decide that some of these agencies should never have been created and that none of them should have been granted such broad powers."

Since the time of the 2-week roundup we have received a few more editorials. I have not yet been able to review them all. However, this is a summary of the larger papers:

Cincinnati (Ohio) Enquirer (circulation 194,369): Favorable with respect to the administrative court.

Youngstown (Ohio) Vindicator (circulation 94,375): Favorable.

San Diego (Calif.) Union (circulation 65,219): Generally favorable.

Fort Worth (Tex.) Star-Telegram (circulation 114,857): Generally favorable.

When we have the more complete 6-week roundup, we will send you a copy. Please let me know if you require any other information.

Sincerely yours,
LILLIAN WALD KAY,
Assistant Director of Research.

APRIL 25, 1955.

In the first 2 weeks after the Commission's report on legal services we reviewed 21 editorials.

Of these, 9 (total circulation 3,930,821) were favorable; 12 (total circulation 2,217,878) were reserved or informational.

It will be noticed that most of the positive comments single out the administrative court. This recommendation received some comment in all the editorials.

Sample quotes are attached.

LILLIAN WALD KAY,
Assistant Director of Research, Citizens Committee for the Hoover Report.

SAMPLE QUOTES

Favorable

Baltimore (Md.) Sun (circulation 178,676): "But the Government in its new role of manager wants (like all managers) as little outside interference as possible with its exercise of discretionary authority. The old-fashioned private tycoon hated Government in business; the new-fashioned Government expert resists interference from any other branch of Government. He especially doesn't want interference from the courts. What, he asks (sometimes scornfully), can a judge know about the precise, technical field where he operates? He is an expert and, by definition, no judge can be such an expert."

Indianapolis (Ind.) Star (circulation 196,362):

"It will be recognized that these recommendations hit at some of the means by which bureaucratic Government harasses business, industry, and citizens as individuals.

"* * * The report contains potential dynamite. It lays open the proesses by which bureaucracy operates."

Favorable with respect to the administrative court

Dallas (Tex.) News (circulation 183,583):

"It is unlikely that the recommendation will be translated into law without a fight. Federal agencies that have become little laws unto themselves will not be persuaded to give up sovereignty. But for the general good it is to be hoped that this reform is accomplished.

"* * * But it is a sound point in Government that the final disposition of what are essentially law cases ought to be left to a court of law."

Detroit (Mich.) Free Press (circulation 433,624):

"Such infringements of the executive upon the judicial powers can be dangerous; if they are allowed to become too common or too extensive, the individual citizen's constitutional rights would be in jeopardy.

"The Hoover Commission, by looking at this question, has struck upon a serious problem. It is not one which the Commission or anyone else is going to solve easily or quickly, but it is a good thing to have public attention centered upon it."

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted to:

Mrs. KEE and to include extraneous matter.

Mr. FLOOD in three instances and to include in one a statement in support of a resolution to establish a foreign service academy.

Mr. PRICE, to revise and extend his remarks made in committee and to include a statistical table.

Mr. FOGARTY in three instances and to include newspaper articles.

Mr. BOLAND (at the request of Mr. FOGARTY) and to include a newspaper article.

Mr. KLUCZYNSKI and to include a resolution.

Mr. CARNAHAN and to include extraneous matter.

Mr. WILLIS.

Mr. THOMPSON of Louisiana (at the request of Mr. WILLIS) in two instances and to include extraneous matter.

Mr. CURTIS of Missouri, in the body of the RECORD, and also to include two articles; also in the Appendix and include extraneous matter.

Mr. SPRINGER in two instances and to include articles.

Mr. JOHNSON of California, his remarks on the Hawaii-Alaska statehood bill; and include certain tables and extraneous matter; also to extend his remarks in the Appendix of the RECORD and include extraneous matter.

Mrs. FRANCIS P. BOLTON.

Mrs. ST. GEORGE (at the request of Mr. MARTIN).

Mr. MADDEN and to include a resolution.

Mr. FORAND.

Mr. LESINSKI in two instances.

Mr. LONG.

Mr. DAVIS of Georgia and to include extraneous matter in connection with remarks made in Committee of the Whole.

Mr. ENGLE and to include extraneous matter.

Mr. ROOSEVELT in two instances and to include extraneous matter.

Mr. FLOOD (at the request of Mr. ROOSEVELT) in one instance and to include extraneous matter.

Mr. DAWSON of Utah.

Mr. EDMONDSON and to include extraneous matter.

Mr. O'NEILL and to include extraneous matter.

Mr. LANE in four instances and to include extraneous matter.

Mr. COOLEY in two instances and to include extraneous matter.

Mr. HÉBERT in three instances and to include extraneous matter.

Mr. MACK of Illinois and to include extraneous matter.

Mr. CELLER in four instances and to include extraneous matter.

Mr. KELLEY of Pennsylvania.

Mr. ROONEY in two instances and to include extraneous matter.

Mr. HAGEN in five instances and to include extraneous matter.

Mr. DAVIDSON in two instances and to include extraneous matter.

Mr. FULTON and to include extraneous matter.

Mr. VAN ZANDT and to include extraneous matter.

Mr. FORD and to include extraneous matter.

Mr. BYRNES of Wisconsin (at the request of Mr. FORD) and to include extraneous matter.

Mr. FRELINGHUYSEN in two instances and to include extraneous matter.

Mr. BENTLEY in three instances and to include extraneous matter.

Mr. VAN PELT in two instances and to include a resolution.

Mr. MCDONOUGH in four instances.

Mr. DIXON in three instances and to include extraneous matter.

Mr. VELDE and to include extraneous matter.

Mr. SADLAK and to include an editorial.

Mr. SAYLOR to revise and extend remarks he made in Committee of the Whole and to include extraneous matter therewith.

Mr. BURNSIDE.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. KEOGH (at the request of Mr. KLEIN), for the balance of the day, on account of official business.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 265. An act to amend the acts authorizing agricultural entries under the nonmineral land laws of certain mineral lands in order to increase the limitation with respect to desert entries made under such acts to 320 acres; to the Committee on Interior and Insular Affairs.

S. 614. An act to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to donate certain property to the American National Red Cross; to the Committee on Government Operations.

S. 748. An act to prohibit the United States from acquiring mineral interests in lands acquired by it except when necessary to serve the purpose for which such lands are acquired; to the Committee on Interior and Insular Affairs.

S. 824. An act to authorize and direct the Secretary of the Interior to convey certain lands erroneously conveyed to the United States; to the Committee on Interior and Insular Affairs.

S. 1007. An act to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes; to the Committee on Government Operations.

S. 1133. An act to authorize the Secretary of Agriculture to pay indemnity for losses and expenses incurred during July 1954 in the destruction, treatment, or processing, under authority of law, of swine, swine carcasses, and products derived from swine carcasses, infected with vesicular exanthema; to the Committee on Agriculture.

S. 1650. An act to authorize the Territory of Alaska to obtain advances from the Federal Unemployment Act, and for other purposes; to the Committee on Interior and Insular Affairs.

S. J. Res. 38. Joint resolution consenting to an interstate compact to conserve oil and gas; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. MCCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p. m.) the House adjourned until tomorrow, Wednesday, May 11, 1955, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

783. A letter from the Administrator, General Services Administration, transmittting a report on contracts negotiated under section 302 (c) (10) during the 6-month period ending December 31, 1954, pursuant to Public Law 152, 81st Congress, as amended; to the Committee on Government Operations.

784. A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation entitled "To amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the organic act of the National Bureau of Standards the authority to use the working capital fund, and to permit certain improvements in fiscal practices"; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 3399. A bill to lower the age requirements with respect to optional retirement of persons serving in the Coast Guard who served in the former Lighthouse Service; without amendment (Rept. No. 570). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 5224. A bill to amend title 14, United States Code, entitled "Coast Guard," to authorize certain early discharges of enlisted personnel; with an amendment (Rept. No. 571). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 5875. A bill to amend title 14, United States Code, entitled "Coast Guard," for the purpose of providing involuntary retirement of certain officers, and for other purposes; with an amendment (Rept. No. 572). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRAZIER: Committee on the Judiciary. H. R. 3786. A bill to authorize the incorporation of Army and Navy Legion of Valor of United States of America; without amendment (Rept. No. 573). Referred to the House Calendar.

Mr. FRAZIER: Committee on the Judiciary. H. R. 3813. A bill to amend the act incorporating the American Legion so as to redefine eligibility for membership therein; without amendment (Rept. No. 574). Referred to the House Calendar.

Mr. FRAZIER: Committee on the Judiciary. H. R. 4754. A bill to redefine eligibility for membership in AMVETS (American Veterans of World War II); without amendment (Rept. No. 575). Referred to the House Calendar.

Mr. FRAZIER: Committee on the Judiciary. S. 734. An act to amend title 18, United States Code, section 871, to provide penalties for threats against the President-elect and the Vice President; without amendment (Rept. No. 578). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRAZIER: Committee on the Judiciary. H. R. 4791. A bill to amend section 40 of the Bankruptcy Act, so as to increase salaries for part-time and full-time referees; with an amendment (Rept. No. 579). Referred to the Committee of the Whole House on the State of the Union.

Mr. VINSON: Committee on Armed Services. H. R. 6057. A bill to further extend the authority to require the special registration, classification, and induction of certain medical, dental, and allied specialist categories; to provide for the continuation of special pay for physicians, dentists, and veterinarians, and for other purposes; without amendment (Rept. No. 580). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 241. Resolution waiving points of order against H. R. 3042, a bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1956, and for other purposes; without amendment (Rept. No. 581). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. S. 128. An act for the relief of Francis Bertram Brennan; without amendment (Rept. No. 556). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 143. An act for the relief of Kurt Glaser; without amendment (Rept. No. 557). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 163. An act for the relief of Philopimin Michalacopoulo (Michalacopoulos); without amendment (Rept. No. 558). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 271. An act for the relief of June Rose McHenry; without amendment (Rept. No. 559). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 386. An act for the relief of Sandra Lea MacMullin; without amendment (Rept. No. 560). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 409. An act for the relief of Inge Krarup; without amendment (Rept. No. 561). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 416. An act for the relief of Anastasia Alexiadou; without amendment (Rept. No. 562). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 891. An act for the relief of Chokichi Iraha; without amendment (Rept. No. 563). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. Senate Concurrent Resolution 17. Concurrent resolution favoring the suspension of deportation of certain aliens; with an amendment (Rept. No. 564). Referred to the Committee of the Whole House.